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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,205	12/07/2000	Masahito Niikawa	15162/02810	9462

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EXAMINER

HENN, TIMOTHY J

ART UNIT PAPER NUMBER

2612

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/732,205

Applicant(s)

NIKAWA, MASAHITO

Examiner

Timothy J. Henn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-10 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 June 2005 has been entered.

### ***Response to Arguments***

2. Applicant's arguments regarding claims 1-4 and 11 filed 17 June 2005 have been fully considered but they are not persuasive. Applicant has amended claims 1-4 and 11 to include the limitation of turning on the electronic finder even if the electronic finder has been manually turned off. Applicant further argues that Kazami and Hiroki do not disclose this feature. In response the examiner notes that Hiroki teaches that required functions can be turned on in accordance with the using conditions of the camera, and functions which are not required are automatically turned off. Hiroki further discloses that such a system results in simple manipulation and power consumption savings (c. 2, ll. 49-68). While Kazami does not specifically disclose turning on the EVF when a electronic zoom is activated, Kazami does disclose that the EVF is required when an electronic zoom function is activated (i.e. a change in the using condition of the camera) to allow the user to verify the image which is to be captured (c. 4, l. 63 - c. 5, l. 11).

Therefore, under the teachings of Kazami it would be obvious to alter the camera of Kazami to forcedly turn the EVF to an activated state when the electronic zoom function is activated since the EVF is required to allow the user to verify the image which is to be captured. The examiner further notes that nothing in Kazami or Hiroki would alter this functionality in the case where the user has manually turned off the EVF, therefore Applicant's arguments are not considered persuasive and the rejection will be repeated below.

3. Applicant's arguments, see amendment, filed 14 June 2005, with respect to claims 5-10 have been fully considered and are persuasive. The rejection of claims 5-10 has been withdrawn.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-<sup>4</sup>~~5~~ and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazami (US 6,289,178) in view of Hiroki et al. (US 4,945,424).

**[claim 1]**

In regard to claim 1, note that Kazami discloses a digital camera (Figure 2) comprising: an optical finder for optically viewing a photographic object (Figure 2, Item 22); an electronic finder for electronically displaying a photographic object (Figure 2, Item 15); an operation member for performing an electronic zoom (Figure 2, Item 21); and a controller for setting the electronic finder to the activated state (i.e. displaying an

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image) when the electronic zoom is performed by the operation member (e.g. Figure 3, Item S7). Therefore it can be seen that Kazami lacks a switching member for switching between an activated state and a deactivated state of the electronic finder and a controller which forcedly sets the electronic finder to the activated state (i.e. turning the electronic finder to an on state if it was previously off) when the electronic zoom is performed.

Hiroki et al. teaches a camera which saves power by automatically turning on only the devices which are required for a given mode and turns off the devices which are not required for that mode (e.g. Column 2, Lines 48-68). It is also noted that Kazami teaches that the use of the electronic finder is required when the electronic zoom is performed to verify the image to be taken due to the fact that the optical finder image and the electronic zoomed image do not match (e.g. Column 4, Line 63 - Column 5, Line 11). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Hiroki et al. to the camera of Kazami in order to activate the required electronic display when the electronic zoom mode is activated and deactivate the electronic display when the electronic zoom mode is not activated in order to conserve power. The examiner further notes that nothing in Kazami or Hiroki would alter this functionality in the case where the user has manually turned off the EVF.

**[claim 2]**

In regard to claim 2, note that Kazami further discloses an indicator for indicating a warning when electronic zoom is performed (Figure 2, Item 18; Column 4, Lines 63-

67).

**[claim 3]**

In regard to claim 3, note that Kazami discloses the positioning of the indicator that is viewable when the photographer is looking in the optical finder (Column 5, Lines 28-37).

**[claim 4]**

In regard to claim 4, note that Kazami discloses an indicator that indicates a warning when an effective magnification of the electronic zoom exceeds a magnification range of the optical finder (Figure 2, Item 18; Column 4, Lines 63-67; The office notes that when the viewfinder zoom is set at a magnification range (i.e. a certain focal length) and the electronic zoom is activated, the product of the electronic zoom and the optical zoom will exceed the magnification of the view finder and a warning will be issued. It is noted that whenever the electronic zoom is activated it will inherently exceed the magnification range of the optical viewfinder in such a system as described by Kazami).

**[claim 11]**

Claim 11 is a computer implemented method claim corresponding to apparatus claim 1. Therefore, claim 11 is analyzed and rejected as previously discussed with respect to claim 1.

***Allowable Subject Matter***

6. Claims 5-10 are allowed.

**[claims 5-10]**

Regarding claims 5-10 the prior art does not teach or fairly suggest a camera comprising an optical finder, and electronic finder, an operation member for performing an electronic zoom, a switching member for switching between an activated and a deactivate state of the electronic finder and a controller for setting the electronic finder to an activated stated forcedly when an effective magnification is determined to be outside of the possible magnification range of the optical finder as claimed in claims 5-10.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH  
9/28/2005



NGOC-YEN VU  
PRIMARY EXAMINER